

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FILED
10/25/22 9:34 am
CLERK
U.S. BANKRUPTCY
COURT - WDPA

IN RE:)
MATTHEW CHARLES BARR)
MICHELE JANE BARR,)
Debtors) Bankruptcy No. 22-70188-JAD
AMERICREDIT FINANCIAL SERVICES, INC.) Chapter 13
dba GM FINANCIAL,) Doc. # 44
Movant) Related To Document No. 32
v.)
MATTHEW CHARLES BARR)
MICHELE JANE BARR,)
Respondent(s))
RONDA J. WINNECOUR,)
Trustee)

)

STIPULATION

NOW COMES, AmeriCredit Financial Services, Inc. dba GM Financial (“GM Financial”), by and through its counsel, Morton & Craig LLC, and Matthew and Michele Barr (“Debtors”) by and through their counsel Jeffrey Wayne Ross, Esquire, and stipulate and agree as follows:

RECITALS

WHEREAS, the Debtors filed a voluntary petition for relief under Chapter 13 of Title 11, United States Code on June 3, 2022;

WHEREAS, the Debtors and GM Financial are parties to a Motor Vehicle Installment Sales Contract dated March 17, 2016 (the “Contract”) whereby the Debtors financed the purchase of a 2013 Dodge Durango bearing vehicle identification number 1C4RDJDG9DC509436 (the “Vehicle”);

WHEREAS, the Debtors filed a Chapter 13 Plan on June 17, 2022 in which the Debtors proposed to modify GM Financial's lien and pay GM Financial a total of \$4,098.00 with no interest for the Vehicle;

WHEREAS, GM Financial filed a secured proof of claim on June 24, 2022 in the amount of \$4,126.75 with contract interest accruing at an annual rate of 9.99%;

WHEREAS, the Debtors and GM Financial have resolved the issues surrounding the Debtors' treatment of GM Financial's secured claim in the Chapter 13 Plan and seek to enter into this Stipulation to resolve said issues.

NOW THEREFORE, the Debtors and GM Financial hereby stipulate and agree as follows:

1. The Chapter 13 Plan dated June 17, 2022 shall incorporate the terms of this Stipulation as it relates to GM Financial's secured claim or if the Debtors decide to file an amended Chapter 13 Plan, said amended Chapter 13 Plan shall incorporate the terms of this Stipulation as it relates to GM Financial's secured claim.
2. That GM Financial shall have a secured claim in the amount of \$4,126.75 with annual interest to accrue at 6.0%, with any remainder of GM Financial's claim to be treated as an unsecured claim.
3. That GM Financial shall retain its lien on the Vehicle until the earlier of payment of the underlying debt under non-bankruptcy law or the Debtors receiving a discharge.
4. That this Stipulation shall become null and void, without further Order of Hearing, if the Debtors' underlying Chapter 13 Bankruptcy case is converted to a Chapter 7 case or if the underlying Chapter 13 Bankruptcy case is dismissed.

Consented To:

/s/ William E. Craig

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/s/ Jeffrey Wayne Ross

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Chapter 13 Trustee

AND NOW, this 25th day of October, 2022, upon consideration of the Stipulation entered into by counsel for GM Financial and with the Debtors, it is hereby ORDERED, ADJUDGED and DECREED that the terms of the foregoing Stipulation are hereby approved in their entirety.

BY THE COURT:

jsf

The Honorable Jeffery A. Deller